

W. W. Siddons, of Hillsboro, Hill County;

Milton E. Daniels, of Breckenridge, Stephens County.

To Be Director of the Leon River Conservation District:

Two-year terms:

Haynie Gilliland, of Baird, Callahan County;

W. W. Spear, of Eastland, Eastland County;

K. F. Page, of Eastland, Eastland County.

Four-year terms:

H. E. McRae, Jr., of Eastland, Eastland County;

B. L. Russell, of Baird, Callahan County;

J. F. Sparks, of Eastland, Eastland County.

Six-year terms:

Albert Taylor, of Eastland, Eastland County;

J. S. Yeager, of Putnam, Callahan County;

L. A. Hightower, of Eastland, Eastland County.

To Be Notary Public in and for Brown County, Texas:

Joe Cauthorn, CCC Co. 3818, of Brownwood, Brown County, Texas.

ONEAL, Chairman.

Recess.

The motion to recess prevailed by viva voce vote at 5:20 o'clock p. m.

SIXTH DAY—(Continued).

Senate Chamber,
Austin, Texas,
October 29, 1935.

The Senate met at 10.00 o'clock a. m. pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

Senate Resolution No. 9.

Senator Pace was recognized to send up the following resolution:

Whereas, Honorable Wallace Hughston, former Senator from the Tenth Senatorial District is in the City of Austin; Therefore be it

Resolved that he be invited to address the Senate and be given the

privilege of the floor of the Senate during the day.

ISEBELL,
PACE,
COTTEN.

Read and unanimously adopted.

The Chair appointed Senators Pace, Isbell and Cotten, to escort the distinguished former member, to the platform.

Lieutenant Governor Walter F. Woodul presented Senator Isbell who in turn presented the Hon. Wallace Hughston, and he addressed the Senate briefly.

Senate Bill No. 5.

Pending business was S. B. No. 5. Senator Poage sent up the following substitute for pending amendment by Senator Oneal:

Amend S. B. No. 5 as amended in line — by inserting the following:

"Whenever any criminal district attorney and/or county attorney performs the duties of a district attorney his compensation together with the compensation of his assistants all as hereinbefore fixed shall be paid out of the county officers salary fund but the State shall pay into such fund each year an amount equal to a sum which bears the same proportion to the total salary of such criminal district attorney and/or county attorney performing the duties of a district attorney, together with the salary of his assistants as all felony fees collected by such official during the year of 1935 bears to the total fees collected by such official during such year."

POAGE.

Read.

Senator Oneal received unanimous consent to withdraw his pending amendment.

The Poage substitute became the pending amendment.

Motion to Table.

Senator DeBerry moved to table the amendment by Senator Poage.

The motion to table lost by the following vote:

Yeas—9.

Beck.
Blackert.

Collie.
Cotten.

DeBerry. Sulak.
Sanderford. Van Zandt.
Stone.

Nays—17.

Burns. Nelson.
Hill. Oneal.
Holbrook. Pace.
Hopkins. Poage.
Hornsby. Redditt.
Isbell. Shivers.
Martin. Westerfeld.
Moore. Woodruff.
Neal.

Absent.

Rawlings. Regan.

Absent—Excused.

Davis. Small.
Fellbaum.

The amendment was adopted by viva voce vote.

Amend S. B. No. 5 by striking out Section 23 thereof and substituting in lieu thereof the following:

"All general laws in conflict with the provisions of this act, fixing or attempting to fix the compensation of officers enumerated herein, are hereby in all things repealed, except such general or special laws that do not have a statewide application. Special and local laws or general laws of local application which do not have a statewide application shall remain in full force and effect."

SHIVERS.

Read and adopted.

Vote Recorded.

Senators DeBerry and Collie asked to be recorded as voting "no" on the amendment by Senator Shivers.

Amend S. B. No. 5, Sub-section 1 of Section 15 of Davis substitute by striking out all of such section and inserting in lieu thereof the following:

In counties containing twenty thousand (20,000) inhabitants or more and not exceeding twenty-five thousand (25,000) inhabitants, county judge, sheriff, assessor and collector of taxes twenty-seven hundred and fifty (\$2,750.00) dollars; county clerk twenty-four hundred (\$2,400) dollars; county attorney two thousand (\$2,000.00) dollars; district

clerk eighteen hundred (\$1,800.00) dollars.

STONE.

Read.

Motion to Table.

Senator Cotten moved to table the amendment by Senator Stone.

The motion to table prevailed by the following vote:

Yeas—15.

Beck. Nelson.
Blackert. Oneal.
Cotten. Pace.
Hill. Redditt.
Hornsby. Shivers.
Isbell. Van Zandt.
Martin. Westerfeld.
Neal.

Nays—9.

Burns. Rawlings.
Collie. Sanderford.
DeBerry. Stone.
Moore. Sulak.
Poage.

Absent.

Holbrook. Regan.
Hopkins. Woodruff.

Absent—Excused.

Davis. Small.
Fellbaum.

Amend S. B. No. 5, Sub-section 2 of Section 15 by striking out all of such section and inserting in lieu thereof the following:

In counties containing as many as twenty-five thousand and one (25,001) inhabitants and not more than thirty-seven thousand five hundred (37,500) inhabitants, and in which there is no city containing twenty-five thousand (25,000) inhabitants, county judge, sheriff, assessor and collector of taxes thirty-five hundred (\$3,500) dollars each; county clerk twenty-seven hundred and fifty (\$2,750.00) dollars; county attorney twenty-one hundred (\$2,100) dollars; district clerk twenty-one hundred (\$2,100) dollars.

STONE.

Read.

Motion to Table.

Senator Cotten moved to table the amendment.

The motion to table prevailed by viva voce vote.

Amend the Moore amendment to S. B. No. 5, Section 16, by striking out the figure "3" and inserting in lieu thereof the figure "1."

RAWLINGS.

Read and adopted.

Amend S. B. No. 5 by adding to the Davis amendment substituted for Section 15 the following:

"the commissioners' court may authorize the employment of a stenographer by the county judge and pay for such services out of the general fund of the county to an amount not to exceed twelve hundred dollars (\$1200) per year."

VAN ZANDT.

Read and adopted.

Amend S. B. No. 5, Section 17 as amended, by adding the following, to wit:

In all counties having a population of not less than 14,588 and not more than 14,800 according to the last preceding Federal census and having a valuation over Fifty Million Dollars, all county officials shall receive the sum of \$5500.00 per year.

BURNS.

Read.

Motion to Table.

Senator DeBerry moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—15.

Beck.	Nelson.
Blackert.	Oneal.
Collie.	Pace.
DeBerry.	Poage.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Woodruff.
Neal.	

Nays—9.

Burns.	Redditt.
Cotten.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Westerfeld.
Moore.	

Present—Not Voting.

Hill.	Rawlings.
-------	-----------

Absent.

Regan.

Stone.

Absent—Excused.

Davis.

Small.

Fellbaum.

Amend S. B. No. 5 by adding thereto a sub-section to be known as Sub-section — as follows:

"All county school superintendents shall receive a salary equal to all compensation received from all sources, together with the same expense accounts as allowed and received by them during the year 1935."

COTTEN,
BURNS.

Read and adopted.

Amend S. B. No. 5 as amended by the Davis salary amendment, Section 8-1 of said Davis amendment, line 6 of said Section 8-1 by inserting after the words "county attorney" and before the words "district clerk" the following:

'including criminal district attorneys and county attorneys who perform the duties of district attorneys.'

POAGE.

Read and adopted.

Previous Question.

Senator Pace moved that the Senate order the previous question on the engrossment of S. B. No. 5.

The motion was seconded.

The motion prevailed by the following vote:

Yeas—24.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
DeBerry.	Redditt.
Hill.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.

Nays—2.

Burns.

Moore.

Absent.

Holbrook.

Absent—Excused.

Davis.	Regan.
Fellbaum.	Small.

The bill was read second time, as amended, and passed to engrossment.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 5 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
DeBerry.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Davis.	Regan.
Fellbaum.	Small.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
DeBerry.	Redditt.
Hill.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Nelson.	

Nays—1.

Burns.

Absent.

Holbrook.

Absent—Excused.

Davis.	Regan.
Fellbaum.	Small.

Senator Hopkins moved that S. B. No. 5 as amended and finally passed,

be mimeographed and 500 copies be distributed among the members.

The motion prevailed.

Reasons for Vote.

I voted for final passage of S. B. No. 5, realizing that it contained several objectionable features. I think that the bill should have repealed existing special laws that pertain to salaries of county and district officials, and should have provided a uniform policy over the State. I also object to the salary schedule in the bill, as I think it would be better to have provided that the salaries for the year 1936 be the same as the total compensation received by these offices in 1935. Beginning with the year 1937, I think the bill should have provided a fixed salary for each official, as nearly as possible to what they are now drawing.

It is my hope that in the conference committee these and other faults can be taken out of the bill.

DeBERRY.

Senate Bill No. 2.**Motion to Lay on Table.**

Senator Van Zandt moved to lay on the table subject to call S. B. No. 2.

The motion prevailed by viva voce vote.

Senate Bill No. 6.**Motion to Lay on Table.**

Senator Van Zandt moved to lay on the table subject to call S. B. No. 6.

The motion prevailed by viva voce vote.

Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, October 29, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 5, A bill to be entitled "An Act amending, and re-enacting Sub-section 5 of Section 1, Chapter

10, Acts of First Called Session of the Forty-third Legislature relative to the taxes levied on the pari-mutual wagering system; empowering the County Commissioners' Court to apply funds received under this Act to certain purposes; repealing all laws in conflict herewith; and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bill Referred.

H. B. No. 5 was read and referred to the Committee on State Affairs.

Senators Excused.

Senator Small was excused today and tomorrow on account of important business on motion of Senator Moore.

Senator Davis was excused today and tomorrow on account of important business on motion of Senator Stone.

Motion to Adjourn.

Senator Shivers at 12:15 o'clock p. m. moved that the Senate adjourn until 10:00 o'clock a. m. Wednesday.

The motion prevailed by viva voce vote.

SEVENTH DAY.

Senate Chamber,
Austin, Texas,
October 30, 1935.

The Senate met at 10:00 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Small.
Regan.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Bills and Resolutions.

Senate Bill No. 9.

By Senator Martin:

S. B. No. 9, A bill to be entitled "An Act to amend Article 1645 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, providing for the appointment of county auditors in certain counties of Texas and providing for their salaries and the method of payment of same; providing that if any part of this Act is held to be unconstitutional or invalid, the same shall not affect the remaining portion of this Act; repealing all laws in conflict herewith; and declaring an emergency."

Read and referred to the Committee on Counties and County Boundaries.

Senate Bill No. 10.

By Senator Burns:

S. B. No. 10, A bill to be entitled "An Act providing for the amount that may be allowed by county boards of trustees to the county superintendents of public instruction for expenditures for office and traveling expenses in counties with a population of not less than thirty thousand (30,000), and not more than thirty thousand and twenty-nine (30,029), and in counties with a population of not less than eighteen thousand four hundred twenty-five (18,425) and not more than eighteen thousand five hundred twenty-eight (18,528), according to the last preceding Federal census, repealing all laws and parts of laws, general or special, in conflict herewith and declaring an emergency."

Read and referred to the Committee on Education.